

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:17cv12-FDW

<b>ANTHONY JAMAL HUSKEY,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>FRANK L. PERRY<sup>1</sup>,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

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**THIS MATTER** is before the Court upon Petitioner Anthony Jamal Huskey's Motion to Proceed In Forma Pauperis (Doc. No. 2), filed in conjunction with a Petition for Writ of Habeas Corpus, 28 U.S.C. § 2254. (Doc. No. 1).

Federal law requires that a petitioner seeking habeas review of his state conviction and/or sentence in federal district court pay a filing fee in the amount of \$5.00 or be granted leave to proceed without prepayment of fees and costs. Rule 3(2) of the Rules Governing Section 2254 Cases in the United States District Courts requires a prisoner's habeas petition be accompanied by "a motion for leave to proceed in forma pauperis, the affidavit required by 28 U.S.C. § 1915, and a certificate from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that the petitioner has in any account in the institution."

Petitioner has provided the court with an affidavit stating that he has no income but

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<sup>1</sup> Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires that a Petition for Writ of Habeas Corpus name the person who has immediate custody of the petitioner as the respondent in the action. Id., 28 U.S.C. folio § 2254. Consistent with Rule 2(a), Frank L. Perry, Secretary of the Department of Public Safety, is substituted for "State of North Carolina" as Respondent in this action.

received monetary gifts ranging from \$24.00 to \$160.00 from friends and family during the previous 12 months. (IFP Aff. 1, Doc. No. 2.) Petitioner's certified trust account statement states that he had a \$114.85 in his prisoner trust account when he filed his Petition for Writ of Habeas Corpus. (IFP Aff. 2.)

Based upon the information provided by Petitioner, the Court finds that he had sufficient funds with which to pay the \$5.00 fee when he filed his habeas Petition. Accordingly, Petitioner's IFP Motion shall be denied.

**IT IS, THEREFORE, ORDERED** that Petitioner's Motion to Proceed In Forma Pauperis (Doc. No. 2) is **DENIED**.

**IT IS FURTHER ORDERED** that Petitioner shall have 21 days from entry of this Order to pay the \$5.00 filing fee to the Clerk of Court. Failure to pay the filing fee shall result in dismissal of Petitioner's § 2254 habeas Petition.

Signed: March 17, 2017



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Frank D. Whitney  
Chief United States District Judge

